IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 864 of 2005

Between:

M/s.Adani Wilmar Ltd, the Company incorporated under
Indian Companies Act 1956,
rep by Managing Director Mr.Rajesh S.Adani
R/o. 10 th Floor,Shikhar, Near Adani House,
Mithakhali Circle, Navrangpura,Ahmedabad 380 009.

..... PETITIONER

AND

1 Govt of A.P. Rep by Secretary for Revenue Dept of Revenue
Secretariat,Hyderabad.
2 District.Registrar, Kosigi,Kurnool District.
3 Sub-Registrar,Kosigi,Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, more particularly in the nature of writ of Mandamus or any other writ or order declaring the action of the third respondent is not registering the agreement of sale dt 23-02-2004 presented by the petitioner for registration or not passing any other order under the Registration Act, 1908 as illegal, arbitrary and violative of statutory provisions, further direct the third respondent to pass appropriate orders under the Registration Act, 1908.

Counsel for the Petitioner:MR.M.S.SRINIVASA IYENGAR

Counsel for the Respondent Nos.1 to 3 : G.P. for Stamps and Registration.

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed aggrieved by the action of the third respondent in not registering the agreement of sale, dated 23.02.2004, presented by the petitioner for registration. The petitioner states that the agreement of sale was presented on 23.02.2004, duly paying the registration fee. Thereafter the petitioner, by letter dated 25.06.2004 was informed by the third respondent to furnish certain particulars and to produce certificates specified therein. The petitioner states that in compliance with the same, it has already furnished all the required information as well as the documents. The only grievance of the petitioner is that in spite of the fact that it has complied with all the requirements, the third respondent has failed to register the document in question. Hence this writ petition seeking a declaration that the action of the respondents in not registering the document in question is arbitrary and illegal.

The law is well settled that when once the document is presented for registration, the registering authority is bound to process the same following due process of law as specified under the provisions of the Registration Act, 1908. Hence the third respondent is not justified in keeping the document presented by the petitioner pending.

Accordingly, the writ petition is disposed of with a direction to the third respondent to process the document presented by the petitioner and to take further steps in accordance with law within a period of four weeks from the date of receipt of this order. It is made clear that in case the third respondent finds any objection for registering the document in question, the same shall be communicated to the petitioner within a period of two weeks from the date of receipt of this order. No costs.

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25.03.2005

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To

1 The Secretary for Revenue Department, Govt of A.P.
Secretariat,Hyderabad.
2 The District Registrar, Kosigi,Kurnool District.
3 The Sub-Registrar, Kosigi,Kurnool District.

4 Two C.Cs to the G.P. for Stamps and Registration, High

Court Buildings, Hyderabad (OUT).
5 2 CD copies